

Exhibit I

(part 1)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOC# 138

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UNITED STATES OF AMERICA,

- v. -

USAMA BIN LADEN, et al.,

WADIH EL-HAGE,

Defendant.
-----x

: S(6)98 Cr. 1023 (LES)

: AFFIRMATION



PATRICK J. FITZGERALD, pursuant to 28 U.S.C. §1746,
declares as follows under penalty of perjury:

1. I am an Assistant United States Attorney in the
Office of Mary Jo White, the United States Attorney for the
Southern District of New York and am one of the attorneys
responsible for the prosecution of this case. I make this
affidavit in opposition to the motion by Wadih el Hage for: (i)
an order setting bail; (ii) rescission of the Special
Administrative Measures as they apply to el Hage; (iii)
modification of the Special Administrative Measures; and/or (iv)
transfer of el Hage to general population in the Bureau of
Prisons pretrial system. This affidavit is also submitted in
response to el Hage's claim that the length and conditions of his
projected pre-trial detention violate due process and in
opposition to his request for a bill of particulars.

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Overview

2. As is set forth more fully below in paragraphs 7 through 84, Wadih el Hage is an entirely inappropriate candidate for bail as there is clear and convincing evidence that there are no conditions or combination of conditions that will reasonably assure the safety of the community and that el Hage will appear for trial. Moreover, as set forth in paragraphs 85 through 102, those same factors demonstrate that the Special Administrative Measures ("SAMs") are reasonably related to the interests of prison (and public) safety and that any further modification of el Hage's prison conditions would be inappropriate.

3. The information contained in this affidavit is based on my personal knowledge, on information obtained from interviews of witnesses and law enforcement officers (as well as oral and written reports concerning the same), and on my review of documents and records. Because I make this application for a limited purpose, I have not included herein all the facts that I know about this investigation. Where I refer to conversations, those conversations are related in substance and in part.

Procedural History

4. El Hage has made two prior bail applications. The first bail proceeding was before Magistrate Judge Leonard Bernikow on September 23, 1998, where Judge Bernikow detained el Hage as a risk of flight, expressly noting that he was "not even going to address the issue of danger to the community because I

think there's sufficient evidence here to show the government's made out its case more than adequately that this defendant poses an undue risk of flight. ..." (See the copy of the transcript of that proceeding, annexed as Exhibit 1, at p. 23.)

5. El Hage made a bail application to the Court on February 8, 1999, at which time the Court found: "the Government has presented an overwhelming case for detention based on danger to the community and risk of flight." (February 8, 1999, proceeding at p. 29.) (A copy of the transcript of that proceeding is annexed as Exhibit 2.)

6. This Court also considered due process and other constitutional claims of defendants in this case (including el Hage) concerning their conditions of confinement on November 17, 1998, following a tour of the "10 South" wing of the MCC where el Hage (and co-defendants) are housed. At that time, the Court found:

I am satisfied that the procedures which have been proposed by the government in response to defendants' objections, modified as I have indicated, are consistent with prison conditions and satisfies due process and the criteria set forth by the Supreme Court and the Second Circuit as measures which are reasonably based on security concerns and needs of the institution, not arbitrarily or capriciously or for the purposes of punishment or harassment.

November 17, 1998, proceeding at p. 8. (A copy of the transcript of that proceeding is annexed as Exhibit 3.)

I. Overview of Evidence of El Hage's Dangerousness

7. As set forth more fully below, the documents

produced to date overwhelmingly support this Court's earlier finding that el Hage presents a danger to the community. Wadih el Hage has a documented history of providing logistical support to others engaged in violence (usually on an international scale) and concealing those activities afterward:

(a) prior to 1990, el Hage hosted a person at his then Arizona home who came from New York to surveil a radical Islamic imam, who was later killed, but el Hage did not report this surveillance to authorities until questioned by the Government in 1997 -- at which time he lied;

(b) also prior to 1990, el Hage purchased weapons on behalf of persons in the New York city area who were then conspiring to commit terrorist acts, and who would later carry out the bombing of the World Trade Center, but did not report this transaction to authorities until questioned by the Government in 1997;

(c) in the early 1990's in the Sudan, el Hage served as personal secretary to Usama Bin Laden at a time when it was well-known within the Bin Laden organization that Bin Laden was at war with the United States military;

(d) while in the Sudan, el Hage was involved in efforts to obtain weapons, including Stinger missiles;

(e) while in the Sudan (and later in Kenya), el Hage was closely associated with the top leadership as well as other members and associates of al Qaeda, including Usama Bin Laden, his military commanders (Muhammed Atef, a/k/a "Abu Hafs" and Abu

(baidah), indicted co-defendants Khalid al Fawwaz, Mandouh Mahmud Salim, a/k/a "Abu Hajer," Fazul Abdullah Mohamed, Ali Mohamed and others, including Ihab Ali, a/k/a "Nawawi";

(f) in early 1994, el Hage joined the Kenyan cell of al Qaeda at a time when Bin Laden's military commander was stationed in Nairobi and when Nairobi served as the nerve center for military operations in Somalia;

(g) el Hage served as the key leader of the Nairobi cell of al Qaeda after the spring 1996 drowning death of Bin Laden's military commander and worked with his deputy (and indicted fugitive) Fazul Abdullah Mohamed, a/k/a "Harun," (who would later orchestrate the bombing of the United States Embassy in Nairobi) and provided logistical support from his home for members of al Qaeda engaged in "military" work, including providing money, false passports and instructions from Usama Bin Laden;

(h) el Hage secretly visited Bin Laden and his military commander Atef in Afghanistan in 1997 on at least two occasions, returning with money from Afghanistan and instructions for the Kenyan cell of al Qaeda, as well as messages for al Qaeda members in the United States and Europe;

(i) el Hage lied repeatedly to United States government officials and a grand jury investigating Usama Bin Laden in the summer and fall of 1997;

(j) el Hage persisted in lying to federal authorities and the grand jury in the aftermath of bombings that killed 223 persons in Nairobi, Kenya, and Dar es Salaam, Tanzania;

(k) in June 1999, el Hage bounded out of his seat -- in apparent coordination with co-defendant al 'Owhali -- and ran across the courtroom during a pre-trial proceeding but was tackled by Deputy United States Marshals; and

[REDACTED]

8. As set forth below, a large part of el Hage's nefarious activities were conducted out of the various homes he has lived in over the years -- making the suggestion of home confinement in el Hage's papers entirely inappropriate.

El Hage and al Qaeda in the Sudan

9. At the invitation of Usama Bin Laden and Madani al Tayyib (a top deputy to Bin Laden) el Hage admitted going to the Sudan in or about April 1992. There, he served as personal secretary to Usama Bin Laden. While el Hage now wishes to assert that he was a personal secretary (Brief at p. 13, fn. 4), a number of sources have identified him as Bin Laden's personal secretary at the time they visited Bin Laden. It is the Government's understanding that when one visited Bin Laden's offices, el Hage served in effect as the gatekeeper to Bin Laden, stationed at a door behind which only Bin Laden (and co-defendant Kamilouh Mahmud Salim, a/k/a "Abu Hajar", an extremely influential figure in al Qaeda) maintained their offices. While el Hage would like the Court to believe otherwise, he served at a time

when it was well-known in Bin Laden's organization that Bin Laden was at war with the United States, as discussed in paragraphs 11 through 21 below.

10. While in the Sudan, source information indicates that El Hage was closely associated with other al Qaeda members who were undertaking efforts to transport sophisticated weapons (including Stinger missiles) from Afghanistan to the Sudan. Moreover, according to a confidential source ("CS-1") who was a member of the al Qaeda organization for a number of years and was personally familiar with both Usama Bin Laden and el Hage, among others, some of el Hage's associates (including co-defendant Mamdouh Salim) were seeking to obtain the components of nuclear weapons.

Al Qaeda's Violent Stance Against the United States

11. The key fact is that el Hage's work in Sudan was undeniably on behalf of Bin Laden -- at a time the evidence shows that the Bin Laden organization was engaged in a violent confrontation with the United States. CS-1 has advised that at various times from in or about 1992 -- the time when el Hage and his family were in the Sudan -- Usama Bin Laden and other ranking members of al Qaeda stated privately to other members of al Qaeda, among other things, that: (i) al Qaeda should put aside its differences with Shiite Muslim terrorist organizations, including the Government of Iran and its affiliated terrorist group Hezbollah, to cooperate against the perceived common enemy, namely the United States and its allies; (ii) the United States

forces stationed on the Saudi Arabian peninsula, including both Saudi Arabia and Yemen, should be attacked; and (iii) the United States forces stationed in the horn of Africa, including Somalia, should be attacked. Bin Laden declared to al Qaeda members that America was the "main enemy" and the "head of the snake."

Indeed, it was well known in the Bin Laden organization that as early as December 1992, Bin Laden had carried out an attack on the Gold Mohur Hotel in Aden, Yemen, directed at United States Marines being housed there en route to participation in Operation Restore Hope in Somalia. (The attack killed two civilians.)

12. It is inconceivable that el Hage could not have known what many other (mostly less influential) members of al Qaeda understood as common knowledge: al Qaeda was engaged in military action against its main enemy, the United States, which was covert until the time when Bin Laden went public on August 11, 1996, and began a series of public pronouncements indicating that the goal of Bin Laden and his organization, al Qaeda, was to slaughter Americans, eventually including civilians, across the globe. Moreover, as set forth in paragraphs 24 through 37 below, some of the documents seized in this case prove directly that, far from being an ingenué, el Hage was entrusted with knowledge of al Qaeda's secrets. Indeed, in the course of his various false statements to the FBI, even el Hage himself admitted that, at a minimum, he knew that Bin Laden held "secret" meetings based upon a ledger he had seen in the Sudan.

13. Even if el Hage could deny his private knowledge of al Qaeda's goals, El Hage cannot credibly deny knowledge of what became increasingly explicit with Bin Laden's public pronouncements beginning in August 1996, while el Hage lived in Kenya, and in 1998 while el Hage lived in Texas.

14. El Hage quarrels in his papers with the Government's characterization of the stated goal of al Qaeda as evolving into the "slaughter of American civilians anywhere in the world." (Affirmation of Sam A. Schmidt, Esq., dated November 29, 1999, at p. 11.). El Hage contends that the language is absent from Bin Laden's August 23, 1996, declaration and then adds:

The language used by the Government is also absent from the February 1998 "joint declaration," despite the Government's claim that it, too, represents a call to attack on United States citizens anywhere in the world, and that in May 1998, bin Laden threatened not to distinguish between military and civilian targets in the attacks.

Affirmation at p. 15.

15. In point of fact, the goal of al Qaeda is to slaughter Americans -- civilians included -- anywhere in the world. Bin Laden's August 1996 declaration constituted a clear call to war against the American military and the later statements clearly expanded that war to include American civilians. Bin Laden's August 1996 statement is titled "Message from Usama Bin-Muhammad Bin-Laden to His Muslim Brothers in the Whole World and Especially in the Arabian Peninsula: Declaration of Jihad Against the Americans Occupying the Land of the Two Holy

Mosques; Expel the Heretics from the Arabian Peninsula."

(Emphasis added.) (A copy of a translation of the declaration is annexed as Exhibit 4.) After speaking favorably about the past bombings of Americans in Beirut and Yemen and the attacks on American soldiers in Somalia, Bin Laden stated that it was time for "waging guerilla warfare" against the United States.^{1/} Bin Laden noted that:

The main disease and the cause of the affliction [affecting Saudi Arabia] is the occupying U.S. enemy. So efforts should be pooled to kill him, fight him, destroy him. We should lie in wait for him until he is defeated, God willing. The time will come, God willing, for you to play your role in settling the situation...

Exhibit 4 at 15. (Emphasis added)

Bin Laden specifically addressed remarks to William Perry, then Defense Secretary for the United States, about a Perry speech

^{1/} Bin Laden stated:

Since we are talking of jihad, it is necessary to direct a few words to our brothers in the Armed Forces, the National Guard, and the Security Forces....This day, your brothers and your sons, citizens of the Two Holy Places, have initiated jihad in the Cause of Allah to drive the occupying enemy out of the land of the Two Holy Places....You are not ignorant, however, of the fact that this stage calls for appropriate methods of fighting due to inequity between our regular Armed Forces and the forces of the enemy. The methods in question must rely on small, fast-moving forces which act in strict secrecy; in other words, guerrilla warfare must be waged, with the participation of citizens who do not belong to the Armed Forces....What your brothers and your sons the mujahidin beg of you in this stage is to offer them all possible assistance in the form of information and material necessary to carry out their work. They beg the Security men in particular to continue the practice of sparing them exposure, rendering the enemy unable to reach them, spreading fear in the enemy's ranks, and doing whatever helps the mujahidin against the occupying enemy ...

Id. (emphasis added)

about the Khobar and Dhahran bombings:

Where was that false courage in Beirut after the explosions in the year 1983 which scattered you all over, and ripped into pieces the bodies of 241 of your soldiers? Where was that false courage in Aden after two explosions made you take to your heels in less than 24 hours? But your greatest scandal took place in Somalia because it happened after a great media hype for months about the strength of America after the end of the cold war and its leading role in the new world order. Then you rushed hundreds of thousands from the international forces including 28,000 American soldiers to Somalia. But only after small battles in which few of your soldiers were killed and one pilot was dragged in the streets of Mogadishu, you left it in defeat, carrying your dead and dragging the tails of loss and humiliation ... Your picture when you were defeated in these three Islamic cities: Beirut, Aden and Mogadishu brought joy to the heart of every Moslem.

Young men believe you [the United States] are responsible for what your Jewish brothers are doing in Palestine and Lebanon, namely killing ... Muslims ... All this causes us to revoke any treaty between us ... It is now clear that those claiming that the blood of the soldiers of the US enemy, who is occupying a Muslim country, is protected are repeating -- under compulsion -- what is dictated by the [Saudi] regime ... It is incumbent on every tribe in the Arabian peninsula to fight for God's cause and purge their territory of these occupiers ...

Those youths know that the humiliation that has befallen the Moslems by the occupation of their holy sites cannot be removed or cleaned without jihad or explosives ...

Id. at 13. (emphasis added)

16. Following that declaration, on November 27, 1996, an article appeared in the London Arabic newspaper "Al Quds Al Arabi" setting forth an interview between Bin Laden and the editor Abd al Bari Atwan. (A copy of a translation of the article is annexed as Exhibit 5.) Bin Laden was quoted stating:

Terrorism -- if it is against criminals, thieves and

bandits, and all states -- is a legitimate thing adopted by all states in all ages. The blameworthy terrorism is the kind committed by thieves against nations. What happened in the Riyadh and Al Khobar blasts was praiseworthy terrorism, because it was against thieves.

If we wanted to carry out small operations, it would have been easy to do so immediately after the statements. Even the nature of the battle requires qualitative operations that affect the adversary, which obviously requires good preparation. We had thought that the Riyadh and al Khobar blasts were a sufficient signal to sensible U.S. decision-makers to avert a real battle between the Islamic nation and U.S. forces, but it seems that they did not understand the signal.

The only non-Somali group which fought the 1991 battle of Arab mujahideen brothers who had come from Afghanistan. The U.S. Government knew for certain that we were fighting (against it), and they meant us. These were successful battles in which we inflicted big losses on the Americans. We used to hunt them down in Mogadishu. Aidid denied any responsibility and he was telling the truth. The war in which we are currently engaged in the United States is not the first, and we pray to God to grant us victory over them just as he did before...

Id. at 2-5. (emphasis added)

The March 1997 CNN Interview

17. In late March 1997, Bin Laden gave an interview to Peter Arnett of CNN which aired on the American television program "Impact" on May 11, 1997, which included the following excerpts:

Translation of Arnett's question: Mr. Bin-Ladin, you have declared jihad against the United States, can you tell us why, and is your jihad aimed against the American Government, U.S. Government, against U.S. troops, against U.S. civilians or against the U.S. people?

Bin-Ladin: We declared jihad against the United States because the U.S. Government is an unjust, criminal, and tyrannical government that has committed most unjust,

heinous and criminal acts, either directly or by supporting the Israeli occupation of Jerusalem....For this and other kinds of injustice and aggression, we have declared jihad against the United States because in our faith, it is our duty to perform the jihad so Allah's word will reign supreme and so we will drive Americans out of all Muslim countries. Regarding your question as to whether the jihad is aimed against U.S. troops, against the government, against civilians in the land of the Two Holy Places or against civilians in the United States, we have focused in our declaration on striking the military in the land of the Two Holy Places. In our faith, the land of the Two Holy Places holds an exclusive attribute among all Muslim countries. In our faith, no non-Muslim man may live in our country. Therefore, even though U.S. civilians are not included in our plan for strikes, they must depart. We cannot assure and cannot ensure their safety because in a society of more than 1.25 billion Muslims, there may be a reaction to the U.S. acts, to U.S. striking of Muslim civilians and to its execution of more than 600,000 Muslim children in Iraq by withholding food and drugs from them...

* * *

Translation of Arnett's question: What are your future plans?

Bin-Ladin: Allah willing, you will see them in the media and you will hear about them.

Translation of Arnett's question: If you wished to send a message to President Clinton, what would you say to him?

Bin-Ladin: . . . The U.S. president has a heart that does not understand words because he who kills hundreds of thousands of children does certainly not understand words. However, our brothers in the Arabian Peninsula and elsewhere will send him messages that he will understand and that are not in words. If there is a message I want to send through you, then tell the mothers of U.S. troops--troops who have come with their weapons, wearing camouflaged military fatigues, swaggering with vanity, and traversing all parts of our country freely while our ulema and shaykhs are in jails--that this is a gross challenge to more than 1.25 billion Muslims. Tell these mothers that if they are concerned with their children, then let them object to the U.S. Government's policy and to the U.S. president. Let them not be misled by his false positions when the bodies of their sons arrive in shrouds in the United States and when Clinton gets up to characterize the mujahideen in the Arabian Peninsula as terrorists. Rather, he is the

terrorist who has placed their own life to their death in the good of the Jews. . .

(A copy of a transcript of the interview is annexed as Exhibit 6.) (emphasis added)

18. Those public declarations in 1996 and 1997 are important because (1) they corroborate what CS-1 advises had been private but well-known within the Bin Laden organization since 1992 when el Hage was a top Bin Laden aide in the Sudan; and (2) the public statements inform what would have been plain in the time period 1996 to 1997 when the documents (discussed in paragraphs 24 through 37) show that el Hage was taking actions covertly on behalf of Bin Laden, including relaying "the new policy" to the Kenyan call.

19. Moreover, the February 1998 joint declaration signed by Bin Laden -- as well as the leaders of four other terrorist groups -- under the banner of the "International Islamic Front for Jihad on the Jews and Crusaders," explicitly stated that Muslims should kill Americans -- including civilians -- anywhere in the world where they can be found. The pertinent language includes the following statement:

[W]e issue the following fatwa to all Muslims: The ruling to kill the Americans and their allies -- civilians and military -- is an individual duty for every Muslim who can do it in any country in which it is possible to do it. . . . We -- with God's help -- call on every Muslim to join in God and wishes to be rewarded to combat with God's order to kill the Americans and plunder their money wherever and whenever they find it.

(A copy of a translation of the February 1998 joint declaration

is annexed as Exhibit 7.) (emphasis added) It bears note that the reference to an "individual duty" is particularly ominous as, according to CS-1, it constitutes a declaration of a jihad fardh al ain: a state of jihad where no member of al Qaeda is excused from following the order to participate in the effort to kill Americans.^{2/}

20. In an interview aired on ABC television in May 1998, Bin Laden threatened:

We believe that the biggest thieves in the world are Americans and the biggest terrorists on earth are the Americans. The only way for us to defend of these assaults is by using similar means. We do not differentiate between those dressed in military uniforms and civilians. They're all targets in this fatwa.

You will leave when the bodies of American soldiers and civilians are sent in the wooden boxes and coffins. That is when you will leave.

(A copy of a transcript of the ABC show is annexed as Exhibit 8.) (emphasis added)

21. Thus, the Government's characterization of al Qaeda's stated goal as the "slaughter of American civilians" is entirely accurate. During the period from 1992 to 1996, when Bin Laden's violent opposition to the United States was manifest within his own organization, el Hage was an important figure in the organization. El Hage was particularly important to al Qaeda

^{2/} In essence, when jihad is considered a "collective duty" there is a collective responsibility for the members of the group to fight the jihad, but individuals may opt out of such fighting if their personal circumstances (e.g., the need to complete schooling for personal advancement or to tend to a sick relative) do not permit them to participate. When a jihad is declared to be an "individual duty" by the leader of a group, all members must participate in the efforts, though their roles may be different.

because, according to CS-1, Bin Laden had a particular need for United States citizens to aid al Qaeda as persons with United States passports could travel freely without raising suspicion. Moreover, CS-1, who knew el Hage from both Afghanistan and the Sudan, advised that el Hage was a very close associate of Bin Laden and that another member of al Qaeda advised CS-1 of his belief that el Hage was involved in efforts to procure chemical weapons and their components for Bin Laden and al Qaeda and used his international business travel as a cover to do so.

El Hage and Harun Lead the Nairobi al Qaeda Cell

22. At the very least, Bin Laden's violent opposition to the United States was plainly exposed by the time of his August 1996 public declaration and his subsequent early 1997 interviews. Yet, el Hage served as a key leader of the Nairobi al Qaeda cell after the death of Abu Ubaidah in spring 1996 until the fall of 1997. During that critical time, el Hage worked hand in glove with his deputy (and now indicted fugitive) Fazul Abdullah Mohamed, a/k/a "Harun," providing logistical support for members of al Qaeda engaged in "military" work, including providing funds, false passports and instructions from Bin Laden as set forth below.

23. While el Hage maintains in his moving papers that his entries in seized documents bear out his participation in legitimate business and charity work, he elects to ignore the other documents seized, including a notebook of his which contains a reference to a desire to establish an office in Dar es

Salaam while being concerned about intelligence and a suggestion that one has to act outwardly like a business.^{3/} Moreover, it is clear that el Hage was still handling Bin Laden's money while in Kenya. In a fax to an American associate dated December 10, 1996, el Hage indicated that he had discussed with the "millionaires here" their opinion of investing money in Western countries:

A lot of brothers, including 'our friend', are questioning the wisdom of investing their money in these countries to help their economy and pay their taxes.

^{3/}See Item 1B93/7A at p. 63 (copy annexed as Exhibit 9):

The visitor sees that you did a big job.

The personal calls/contacts. Do not use individuals who are (UI) in the organization and (UI) in dead areas (such as the UI/markets) with the names of the UI in the UI to there and during the transaction.

Use an electronic machine/device to record the names and the telephones and the addresses and the meetings and other. Ali from the Kenyan intelligence could find us people who work in the organization

"All the official papers to be correct and valid and its preferable to (UI) from the Embassy.

The telephones and the calls, the telephones of the organization don't get used (UI) members and the company. The calls will be from the outside and from the areas which are far from the headquarters.

It is important for you to have (UI) to work (UI)

When giving the telephone number to members in the company, do so in a specific fashion, whereas they would only write it in a specific fashion

Any job/work in the commercial field should have a (UI) Beware of visitors, they could be from the intelligence.

Any organization is bound to have people from the Government (who infiltrated it to gather information; thus work should be conducted in an official fashion which does not cause suspicion.

Contact/communication with the governmental sides especially those who hover around in order to write reports. Maybe use one of those as your employee. To be concerned with appearances especially the jobs which (UI) is doing."

(1B93/7X-22; copy annexed as Exhibit 10). In another document, el Hage makes clear that his overt business interests are disguised: "Lebanon will be a cover for the Sudanese exporter." (1B117/7*-7; copy annexed as Exhibit 11). Moreover, while el Hage would prefer this Court to believe otherwise, not all of the documents produced in discovery concerning him even purport to be of a commercial nature. See, e.g., el Hage's own writings noting that: "Assassinating the polytheist is different than assassinating the renegades and those who claim embracing Islam" (WEH97-72; copy annexed as Exhibit 12).

El Hage Visits Bin Laden in February 1997 and Returns With Money And Instructions

24. In early 1997, el Hage traveled to Pakistan, returning on or about February 20, 1997. El Hage has admitted traveling to Pakistan during this time -- but his sworn testimony to the grand jury denying meeting with Bin Laden or Atef is provably false. A letter from Wadih el Hage dated February 21, 1997 (the day after his return), stated: "I arrived yesterday since I was on a business trip and met with Dr. Atif and his friends and they send you their regards." (emphasis added) (translation annexed as Exhibit 13). Based, among other things, upon the reference to "Dr. Atif," the Government believes that el Hage went to meet with Usama Bin Laden and Muhammed Atef, a/k/a "Abu Hafs" (Bin Laden's military commander).

The Harun Fax Confirms el Hage Met With Atef

25. An undated letter from Harun to Thab Ali

(addressed as "Abu Suliman"^{4/}) reads as follows:

The committee here doesn't have one single project, hence, I am just sitting here without any work because there is no need for me inside at this time ... From time to time, the magazines here often mention your peer who's gone. His home country wants to know who was working here and this subject disturbed us very much.

The fish people are doing all right. However, their project has failed and they are now reorganizing things to start a new business project

Wadi went on a trip; he is with Tayseer. He called me from over there. I personally called Tayseer and their situation is very comforting. They are doing well and in good health. They live in their old town, Masjid al-Nur, Hayat.

Lukman and Isya are doing fine ... Me and their mother and Wadi's family are all doing well. ^{5/}

(Emphasis added) (See Exhibit 14.)

26. In context, the phrase "your peer who's gone" likely refers to "Abu Ubaidah al Banshiri," the military commander for Bin Laden who drowned in a ferry accident in Lake Victoria in May 1996. Thus, the phrase "[h]is home country wants to know who was working here and this subject disturbed us very much" likely refers to Harun's belief that the Egyptian government was scrutinizing Kenya for persons affiliated with Abu Ubaidah, who was an Egyptian citizen.

27. The statement that "[t]he fish people are doing all right. However, their project has failed and they are now reorganizing things to start a new business project" refers to

^{4/}Ihab Ali is an al Qaeda member currently incarcerated in the MCC for contempt of the grand jury.

^{5/}While the letter is not signed, the authorship is apparent from references to Harun's two children by name (Lukman and Ishya) and the statement that "me and their mother" are doing fine.

Mohamed Sadeek Odeh and the other al Qaeda members engaged in the "fish business" in Mombasa, Kenya, who would later play key roles in the bombings of the East Africa embassies.

28. The reference that "Wadi went on a trip; he is with Tayseer... They live in their old town, Masjid al-Nur, Hayat." indicates in context that Wadih el Hage and al Qaeda's military commander Muhammed Atef, a/k/a "Tayseer," are together in Peshawar, Pakistan, a city that is just 30 miles from the Afghanistan border and is the most common transit point for persons seeking to enter Afghanistan. Peshawar has a suburb named "Hyatabad," in which I am advised there is located a mosque known as "Masjid al Nur."

29. Given that this letter refers to the death of Abu Ubaidah (who drowned in May 1996) and was recovered in files that were probably hidden no later than August 1997, it appears that the letter was written during one of el Hage's trips to Pakistan between those dates, likely his February 1997 trip. The letter demonstrates that el Hage met with Bin Laden's military commander at a time when it was crystal clear to all what al Qaeda's goals were and that el Hage later lied about these meetings to the FBI and to the grand jury.

El Hage Returns From Afghanistan in 1997 with a Policy to Militarize the Kenyan Cell.

30. The documents recovered from el Hage's home and computer illustrate why it was important for el Hage to try to convince the FBI and the grand jury (and now the Court) that he

had no contact with Bin Laden after 1994 and did not see him on his trips to Afghanistan or Pakistan in 1997. They demonstrate that el Hage played a prominent role in motivating the Kenyan cell into organizing for violent action. For example, a document recovered from computer disks in el Hage's house was labeled "TOP SECRET." That report (a copy of which is annexed as Exhibit 15) indicates that when el Hage ("Abdel Sabbur," his admitted alias) returned to Kenya on February 22, 1997, he contacted "Khaled" (an alias for Mustafa Fadhl) and invited him to Nairobi where el Hage provided him with a new policy for the region which included the need to prepare 300 "activists." The same document discussed the fact that "Khaled" then met with the "engineers" and advised them of the need to move families to a secure region before the "activism."

31. The report also states that "Haroun" was chosen to be in charge of communications. It further indicates that about one month after el Hage arrived, the engineers (including "Marwan Haddad" - an alias for Odeh^{6/}) arrived by sea on March 25, 1997. The report then made plain that the goals of the group "in Somalia was not limited to merely the training of groups who want to fight and the cause is over." It stated that "the idea of building a military base in the region is a good idea..." Khaled accordingly informed some persons he met with that "the most

^{6/} Odeh admitted in an interview in Kenya that he is known as "Marwan" and also stated that he was dispatched by Usama Bin Laden on a mission to Somalia in 1997, receiving the order from el Hage.

important thing the region needs is weapons." The report continued that "Khaled" then met with the "Arab young men" who explained that they had tried to send weapons to the region, however the rental of the boat was very expensive.^{7/} Moreover, they told Khaled that "they had bought ... some weapons ... through Yemenite brothers (Kalshnikov, guns, bombs) ..." The report continued that there was a later discussion of "guerilla war" and of a meeting with military officials and Marwan Haddid (Odeh) to discuss "activism" in the interior of Ethiopia and an attempt to control Jubbada House (the Southern tip of Somalia).

Kenyan Cell Involved in Explosions in Ethiopia

32. The same report recovered in el Hage's home also emphasized the importance of having security bureaus in the villages "to hunt down the spies who are coming from the government of Ethiopia, Kenya or other." It then continued that the activism has been delayed and there is a need to send a letter "to Abdul Sabbur [el Hage] requesting an urgent assistance by providing to us the sum of \$2000" and "the organization's car."^{8/} Harun was sent to Nairobi to call "the administration." The report continued to discuss the need to obtain courses in security and intelligence as well as to "generate big efforts in

^{7/} Odeh had admitted to being provided a boat by Abu Haïf (al Qaeda's other military commander) and various documents concerning boats were recovered in el Hage's files.

^{8/} The report makes refers to the Help Africa People organization indirectly by noting that the car is working for the "organization" which has no activity, "however it has been registered in the United States of America."

order to implant the military operations in the main cities of Ethiopia." It then specifically discusses the situation in Ethiopia, noting that "[t]he development of the operations inside Ethiopia and especially the capital, Addis Ababa. There are a lot of explosions in the other cities and the brothers are taking on these operations.." (emphasis added) In addition, the report noted the results of surveillance in Kenya: "In Nairobi, we noticed Ethiopian diplomatic activity (changes in the entrances of the embassy, arrival of new diplomats to the embassy.)"

El Hage Informs Others Worldwide of the Developments Between Bin Laden and the Taleban

33. El Hage passed messages to associates outside of Africa as well. Just days after his return from Afghanistan, in a February 24, 1997 fax from Wadih el Hage (using his alias "Abdel Sabur") to a Bin Laden associate in Germany, el Hage states:

I went to visit Hajj Abdel el Hay and he sends his regards. The people that work with him sends their regards. As a matter of fact their situation over there is very good. They are very comfortable on the contrary of we hear or read in the newspapers or magazines. The owners of the land are cooperating with them and they welcome them ... The situation is very good, the security is fine, and I moved by myself from the capitol with no trouble. Abu Elyas sends his regards ... I shall send a report about the latest situation at the company in a few days God willing. (emphasis added)

(1B93/2-4; copy annexed as Exhibit 15). (emphasis added)

Thus, a report is promised concerning the status of al Qaeda and its relations with the Taliban ("the owners of the land" in Afghanistan). It is also noteworthy that el Hage indicates that

he is tracking the reporting about Bin Laden in the newspapers and magazines because this letter post-dates Bin Laden's overt declaration of war against the American military by six (6) months.

The Reaction to the Defection of an al Qaeda Member

34. A key document retrieved from el Hage's computer discussed the fact that Madani al Tayyib, a top Bin Laden operative, had been arrested and was believed to be cooperating with Saudi, British and American authorities. The document expressed concern that the people in Kenya will be under scrutiny as a result. The report (a copy of which is annexed as Exhibit 17) states that:

On the same day we heard the news, the partisans from Mombasa called. I told them I will get in touch with them and asked them never to call me at that number again. ... After two days they called me back at the same number so I forced them to burn that number immediately and informed Khalid that I had prohibited them from calling me here as I am one hundred percent sure that the telephone is tapped.

In addition, the author of the report noted that he:

collected all the files which we do not need here and which might pose a threat against us and have placed them in another location. We did not burn them since they belong to engineer Abd'al Sabbur.

(Emphasis added.)

The context of the report indicates that the report was written while "Abd'al Sabbur" [el Hage] was in Afghanistan visiting Usama Bin Laden in the summer of 1997. The author further stated that the report was not written:

until I [Harun Fazhl] was officially asked by brother Khalid [al Fawwar] to be responsible for the media information

office for the cell in Nairobi. He (Khalid) asked me also to write periodically about the security situation of the cell and the whole group in here in general in East Africa.

(emphasis added)

35. The report continues:

There is an American-Kenyan-Egyptian intelligence activity in Nairobi aiming to identify the names and residences of the members who are associated with the Shaykh since America knows well that the youth who lived in Somalia and were members of the Shaykh's cell are the ones who killed the Americans in Somalia. They know that since Kenya was the main gateway for those members, there must be a center in Kenya.

(emphasis added)

36. The reference that it was members of Bin Laden's cell who killed the American soldiers in Somalia corroborates:

(1) CS-1 who advised that he was told by a fellow al Qaeda member that al Qaeda was responsible for the deaths of all the Americans killed in Somalia; and (2) Bin Laden's press statements claiming that his mujahideen killed the Americans.^{9/}

37. The documents discussed above demonstrate that al Sage visited Afghanistan in February 1997 to see Bin Laden and Atef and returned with a new policy of "activism" for the Kenyan cell (which included the eventual participants in the Nairobi bombing: "Harun," and Odeh) as well as messages for a Bin Laden

^{9/}Indeed, there are a number of public statements where Bin Laden has claimed responsibility for the killings of American soldiers in Somalia. See, for example, the November 27, 1996, article in the London Arabic paper "Al Quds Al Arabi" discussed above at paragraph 16.

contact in Europe.

El Hage Lies to the 1997 Grand Jury

38. In his September 1997 grand jury appearance, el Hage lied extensively to conceal his involvement and minimize the roles of others. For example, el Hage claimed that he last saw Bin Laden in 1994 -- explicitly stating that he never saw Bin Laden in 1995, 1996 or 1997. He claimed that he spoke to Bin Laden only once by telephone after 1994, purportedly when Bin Laden asked him to get spare tractor parts from Slovakia. El Hage claimed that he only heard about Bin Laden's move from the Sudan to Afghanistan in 1996 from the newspaper. See, Exhibit 18, Transcript of Wadih el Hage Grand Jury Testimony on September 24, 1997, at 65-72. Later, el Hage specifically denied that he saw Bin Laden or Abu Hafs on either of his last trips to Pakistan in 1997. Id. at 131. Still later, el Hage stated again that he did not see Bin Laden on his last two trips and did not plan to see him nor tell anyone he planned to see him and did not tell anyone that he did see him. Id. at p. 154. At the end of his grand jury appearance, el Hage again stated that he had not seen Bin Laden since 1994. Id. at 180. He thereafter declined an invitation to change any answers. Id. at 182-83.

39. That testimony is patently false. First, the documents discussed earlier indicate el Hage's contact with Bin Laden and Atef in 1996 and 1997. Second, his claim is also belied by the post-arrest statement of Mohamed Sadeek Odeh: Odeh stated that el Hage was returning from a trip to see Bin Laden at

the time that his home in Kenya was searched (which was in August 1997). In addition, as discussed below, Ithak Ali (the al Qaeda member currently incarcerated in the MCC for contempt of the grand jury) wrote to el Hage's co-defendant Ali Mohamed in a thin code to indicate that Wadih el Hage was returning from a visit with Usama Bin Laden when he was interviewed by the FBI in Kenya. Finally, the reports from el Hage's computers and disks also indicate that el Hage met with Bin Laden and Atef.

El Hage's Lies About Abu Ubaidah, the Military Commander

40. El Hage also lied to the grand jury when he claimed he never saw military commander Abu Ubaidah in Kenya. El Hage admitted that he knew that Abu Hafs did military work for Bin Laden after the formation of al Qaeda and that Abu Ubaidah was one of Bin Laden's military commanders. *Id.* at 113, 122. However, el Hage falsely claimed that he last saw Abu Ubaidah in the Sudan before he left there in 1994. *Id.* at 124. El Hage claimed that he believed Abu Ubaidah was then in the Sudan or Afghanistan. When confronted with the fact that he had gone to the lake where Abu Ubaidah had drowned in a ferry accident in the spring of 1996, el Hage claimed that he went to the scene to look for Adel Habib: a purported Egyptian with Dutch citizenship who was a merchant though el Hage testified that he did not know what he sold as a merchant. El Hage also admitted that "Adel Habib" was on the board of Help Africa People. *Id.* at 125-26.

El Hage Lies About Khalid al Fawwaz

41. El Hage admitted in the grand jury that he knew

that Khalid al Fawwaz worked for Bin Laden in London and that he visited him in London in December 1995 -- claiming that this was the first time they met. El Hage falsely testified that other than the one day visit in London, he had no financial dealings with Khalid al Fawwaz. Id. at 151-2.

42. The documents recovered in Kenya clearly establish el Hage has always tried to disguise his link to Khalid al Fawwaz, Bin Laden's media representative in London. For example, the 1997 search recovered entries concerning Fawwaz which listed his number as "Ghazi" and his correct street address (94 Dewsbury Road) in London -- but disguised as if the address were in Arlington, Texas: "Ghazi 1716242467/1713289651 fax" and "Ghazi M. Omar, 94 Dewsbury Road, Arlington, Texas" (1BAUG97/EN1-11 and EN1-12; copy annexed as Exhibit 19). Moreover, in late November 1996, Wadiah el Hage wrote Fawwaz. Fawwaz wrote back in early December 1996 to state that he thought that it was advisable to "limit our communications so I will not cause a problem to anyone."^{10/}

El Hage's Testimony Regarding the Missing Files

43. El Hage contends in his papers that:

[I]t is clear that Mr. El-Hage, in providing accurate

^{10/}See the letter from U/I to "Abu Abdallah" (an alias of el Hage) responding to his letter of November 30, 1996, which stated that the author thought that it was advisable to "limit our communications so I will not cause a problem to anyone." (1B93/2-15; copy annexed as Exhibit 20) This letter immediately followed publication of Bin Laden's interview with al Quds on November 27, 1996.

office (some others of which, authored by Harun Faruk, the government alleges were related to the activities of al Qaeda, the alleged terrorist organization purportedly headed by Bin Laden) was attempting to assist the government, and not conceal information from it, or obstruct its investigation.

(Affirmation of Sam A. Schmidt, Esq., dated November 29, 1999, at p. 11.) (*italics in original*).

El Hage's "assistance" must be viewed in context. He did not "volunteer" the fact that Harun had removed his files. When first asked, el Hage claimed that he did not recall if he discussed with Harun the fact that Madani al Tayyib was believed to be cooperating with authorities. *Id.* at 134-35. Only when confronted in the grand jury about the fact that Harun had removed the files, did he admit his knowledge of those files. When asked specifically about the removed files, el Hage stated then that Haroun removed the files (which he claimed were then in the house of Ahmad Sheikh Adam) but the files were supposed to be brought to the office of Mercy International. *See Exhibit 18* at 135-39.

44. In any event, Wadil el Hage indicated to the Government that the files were actually in the home of Ahmed Sheikh Adam and purported to describe where that house was located. On or about October 8, 1997, the purported residence of Ahmed Sheikh Adam in Nairobi, Kenya, was searched in an effort to recover Wadil el Hage's files. However, the occupants of the house indicated that Ahmed Sheikh Adam had ceased residing there approximately one year before. Given the closeness of Wadil el

Hage and Ahmed Sheik Adam (who, for example, took over el Hage's cellphone when el Hage departed Nairobi in September 1997), the fair inference to draw is that el Hage deliberately misled the FBI regarding the location of Ahmed Sheik Adam's house, much the way he provided the FBI and grand jury misleading information on a constant basis.

The Files Recovered

45. In August 1998, following the bombing of the United States Embassy in Nairobi, Kenyan authorities, accompanied and assisted by FBI agents, conducted a search in Nairobi of the office of Mercy International Relief Agency ("MIRA"). In that search (hereafter "the 1998 MIRA search"), authorities recovered the files of Wadih El Hage that had been secreted in 1997.^{11/}

The January 1998 Coded "Food and Beverage Industry" Letter

46. Bin Laden and al Qaeda personnel maintained indirect contact with el Hage in the latter part of 1997 and early part of 1998 -- in part through his imam, Moataz al Hallak. A coded letter written by Ihab Ali (as noted above, an al Qaeda member currently incarcerated for contempt of the grand jury) to

^{11/} To the extent that el Hage asserts that MIRA - which did do a fair volume of ostensible charity work - was purely a charity operation, it bears note that: (i) telephone records indicate that Bin Laden's satellite telephone was in contact with the mobile phone of the director of MIRA (Ahmad Sheik Adam); (ii) certain of the MIRA receipts seized indicate a reference to "getting the weapons from Somalia" on a receipt dated July 24, 1998 -- just two weeks before the bombing of the American embassy in Nairobi (1B125/21-273; copy annexed as Exhibit 21); and (iii) other MIRA documents include a poem indicating that those that did not depart quickly would meet with bombs that will transfer them from the holy house. (1B125/21-252; copy annexed as Exhibit 22).

defendant Ali Mohamed (by his alias "Haydar"^{12/}) on January 17, 1998^{13/} stated in pertinent part:

Received your letter and was glad to hear from you... I'm presently staying in Alexandria. I've been staying here during the past two months. I tried several times to contact you via phone and mail while in the U.S. but to no avail. And only after receiving your letter do I realize that you have changed address.

At any rate please give my best regards to your friend O'Sam and his co-partner and tell him - Sam - that I couldn't finish what he requested of me due to some personal problems. As far as Mr. Wadeh, he's presently staying in Texas. I had [illegible] him prior to traveling and he filled me in on his social/business life. He told me that after having met with and finishing a business deal with Mr. Sam and while returning home he was contacted by one of the opposition company called Food and Beverage Industry based in the U.S. He was given an extensive interview. This interview was conducted in East Africa. After when he decided to return home and settle down in Texas. Unfortunately while I was talking to him I realized that his phone line was not working properly. However, I regret to say that I had misplaced his # while packing to travel. You may however contact one of his friends which is what I did and ask for Wadih's # [REDACTED]

Hallaq: [REDACTED]

Lastly, again give my regards to Sam and tell him to take extra precautions cause business competition is very fierce and please don't hesitate to give him any assistance even if he doesn't request it. And if he has anything to tell me, he can say it through you.

(Emphasis added) (Copy annexed as Exhibit 23)

47. A review of this letter shows that it is a coded discussion of "O'Sam" and "Mr. Sam," which clearly constitute

^{12/} Note the similarity with the el Hage coded reference to "Haid" and "Haid Abdi."

^{13/} In August 1998, the Foreign Intelligence and Surveillance Act Court (the "FISA Court") authorized a search of the residence of Ali Mohamed in Sacramento, California. That search recovered this coded letter.

poorly coded references to Usama Bin Laden. Ihab Ali indicates that Wadih el Hage met with, and did business with, Usama Bin Laden but then returned home to be interviewed by the Food and Beverage Industry (a thinly veiled reference to the "FBI" which shares the same first letter in each word). This letter demonstrates that el Hage had met with Bin Laden and that his subsequent denials to the grand jury were simply false.

Wadih el Hage Lies to the FBI Again

48. Even in the immediate aftermath of the horrific bombings, el Hage had the temerity to maintain that he did not know the whereabouts of Abu Ubaida al Banshiri in an interview conducted in Texas on August 20, 1998.

Wadih el Hage Perjures Himself Before the Grand Jury Again

49. In September 1998, el Hage appeared before a grand jury investigating the bombings and, after being advised of his rights, persisted in lying to the grand jury investigating the bombings that killed 223 persons in Nairobi, Kenya, and Dar es Salaam, Tanzania. Among his perjurious statements, el Hage repeated that he did no work in Kenya on behalf of Bin Laden and that he had no contact over the phone, in person, by e-mail or by mail with Bin Laden from 1994 to 1998 other than one 1994 message through an aide, Abu Fadhl al Makkee (Madani al Tayyib) to get spare parts for tractors. See Transcript of Wadih el Hage Testimony on September 16, 1998, Exhibit 24, at p. 20-22. He further claimed that his group was not funded in any way, shape or form by Bin Laden and that he did not know anyone in Kenya or

Tanzania who either knew Bin Laden or belonged to al Qaeda. He claimed that he did not recall al Qaeda members visiting Kenya or Tanzania. See Exhibit 24 at 28.

El Hage Lies Again About Ali Mohamed

50. El Hage again denied knowing co-defendant Ali Mohamed repeatedly: denying knowledge of Ali Mohamed when shown one picture of him [Grand Jury Exhibit 3; photograph 34]; and claiming in regard to another picture of Ali Mohamed [Grand Jury Exhibit 65] that he thought he saw the person depicted in New York in the late 1980's but does not recall seeing him again. Id. at 35. When later asked if he knew "Ali Mohamed," he stated that he did not know "Ali Mohamed" and that he did not know if Ali Mohamed was the person pictured in Grand Jury Exhibit 65. Id. at 80. Yet, el Hage's phone books recovered in 1997 include several (mostly coded) references to Ali Mohamed.^{14/} The 1998 search recovered additional listings for Ali Mohamed -- all by code name.^{15/} Moreover, telephone records reflect international

^{14/} "Haid Abdi" 916338/1699 [Mohamed's work telephone was (916) 338-1699];

"Ali M & Associates, 720 Harvard Avenue # 2, Santa Clara CA 95051" [Mohamed's former address];

"Linda Haid 4082441209" [Mohamed's wife's first name and former telephone number];

"Norman 720 Harvard Avenue # 2 9163381699 [crossed out 2496537] Santa Clara 95051"; and

"Norman 2495637/2441209 fax".

^{15/} The 1998 entries in 1B117/**56-91 include:

Haid 4082441209
Norman 4082441209
Norman 4082441209
Haid Abdi 408 2441209

calls from Ali Mohamed's residence to Wadih el Hage's residence in December 1994 (at or about the time that Ali Mohamed was being interviewed by the FBI) and again in December 1995, when travel records indicate that el Hage was in California -- and was thus likely calling home to his family from Ali Mohamed's house.

51. El Hage further claimed that he did not know any people living in America who were contacts of Bin Laden, specifically denying that he knew anyone living in New York, Florida (the home of Ihab Ali) or California (the home of Ali Mohamed). El Hage further stated that no one had contacted him on behalf of Bin Laden. Id. at 39.

The "Norman" Lies

52. El Hage testified that he did not know who "Norman" and "Wa'da Norman" were and claimed not to recognize Grand Jury Exhibit 48 (an envelope addressed to "Wa'da Norman" at el Hage's post office box in Nairobi from a Westinghouse facility where Ali Mohamed worked.) Id. at 81-84. El Hage further denied that he was familiar with or wrote Grand Jury Exhibit 42 (a letter from "Norman"[el Hage] to "Nawawi" [Ihab Ali] which asked the latter to pass regards to "Jeff" [Ali Mohamed] and discussed the fishing business and "Taysir" [Abu Hafs]). He stated that the handwriting was very close to his -- yet not his handwriting. El Hage testified that he had never written any letters with the name "Norman" at the bottom and stated that he

does not know "Nawawi." Id. at 85. El Hage went so far as to claim that he had never seen the "Norman" letter, he did not write it and had no reason to believe his fingerprints are on it. Id. at 87. Subsequent forensic examination revealed that five of el Hage's fingerprints appear on the document.

El Hage Lies About Odeh

53. In the grand jury, El Hage denied knowing co-defendant Mohamed Sadeek Odeh. Indeed, he claimed that he did not recognize Odeh's picture: "I have never seen this person before ... except on TV" and stating that "I don't recall meeting him at all." El Hage stated that he did not recall going to Odeh's wedding; did not provide Odeh with an identification card; did not recall meeting any groom looking like Odeh and had no recollection of ever seeing Odeh. Id. at 63-70. This claim is belied, among other things, by Odeh's statements in Kenya admitting their relationship.

54. Following the bombing of the United States Embassy in Nairobi, Odeh admitted in substance that he was an active member of al Qaeda, that he believed that the Embassy bombings were carried out by al Qaeda, and that, as a member of al Qaeda, Odeh accepted responsibility for the bombings. Among other things, Odeh stated that in or about 1994, after participating in activity in Somalia on behalf of al Qaeda, Odeh moved to Mombasa, Kenya. Odeh set up a fishing business with al Qaeda money which was used to support al Qaeda members in Kenya. In particular, Odeh admitted that he was familiar with "Abdus Sabbur" (el Hage's

admitted alias), whom he correctly described as a converted Muslim of Lebanese Christian origins who was in the Tanzanite business. Odeh further stated that "Abdus Sabbur" had moved to Kenya from the Sudan after earlier spending time in Afghanistan. Odeh stated that "Abdus Sabbur" was a friend of Usama Bin Laden who had worked in Kuwait, studied engineering in America and married an American citizen. Odeh further stated that in 1997, "Abdus Sabbur" sent Odeh on a mission to Somalia on behalf of Usama Bin Laden and that shortly before el Hage returned to the United States [which occurred in September 1997], "Abdus Sabbur" had visited Usama Bin Laden in Afghanistan. Odeh stated that he trusted "Abdus Sabbur" very much and considered him a very close friend like an older brother. In 1994 in Mombassa, Kenya, Odeh was married during a ceremony attended by the defendant el Hage. After the ceremony, el Hage drove Odeh and Odeh's wife home in a car belonging to el Hage. Also in attendance at the wedding was "Harun." On another occasion, Odeh obtained an identity card with the assistance of el Hage.

The Earlier Years: The Rashad Khalifa Surveillance

55. El Hage asserts in his motion papers that he has been fully cooperative with the Government and the grand jury about the circumstances surrounding a person who visited el Hage at his home at a time when the person was conducting a surveillance of Rashad Khalifa, an imam murdered in Arizona in or about January 1990. El Hage states that he "volunteered" all the information that he knew about the Shalabi and Khalifa murders to